

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DANIEL CALEB RISCH,  
Petitioner,

v.

STATE OF CALIFORNIA,  
Respondent.

Case No. 21-02289 EJD (PR)

**ORDER OF DISMISSAL**

On March 31, 2021, Petitioner, a California inmate proceeding pro se, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241.<sup>1</sup> Dkt No. 1. On the same date, the Clerk sent a notice to Petitioner that he needed to either pay the filing fee or file a complete application for leave to proceed in forma pauperis (“IFP”) within twenty-eight days from the date of the notice to avoid dismissal. Dkt. No. 2.

On April 15, 2021, the mail sent to Petitioner was returned to the Court as undeliverable because Petitioner was “No Longer In Custody – N.I.C.” Dkt No. 4. On May 26, 2021, additional mail sent to the Petitioner was returned to the Court as

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<sup>1</sup> Petitioner’s case was reassigned to this Court on May 5, 2021. Dkt. No. 6.

1 undeliverable because Petitioner was “N.I.C.” Dkt. No 7.<sup>2</sup> To date, Petitioner has not  
2 provided the Court with a new address and has had no further communication with the  
3 Court.

4 Pursuant to Northern District Local Rule 3-11, a party proceeding pro se must  
5 promptly file a notice of change of address while an action is pending. See L.R. 3-11(a).  
6 The Court may, without prejudice, dismiss a complaint when: (1) mail directed to the pro  
7 se party by the Court has been returned to the Court as not deliverable, and (2) the Court  
8 fails to receive within sixty days of this return a written communication from the pro se  
9 party indicating a current address. See L.R. 3-11(b).

10 More than sixty days have passed since the first mail addressed to Petitioner was  
11 returned as undeliverable. The Court has not received a notice from Petitioner regarding a  
12 new address. Accordingly, the instant civil rights action is subject to dismissal pursuant to  
13 Rule 3-11 of the Northern District Local Rules.

14 Furthermore, Petitioner has also failed to pay the filing fee. See supra at 1.  
15 Accordingly, the case may also be dismissed for failure to pay the filing fee in the time  
16 provided.

17 Based on the foregoing this action is DISMISSED without prejudice.

18 The Clerk shall terminate any pending motions.

19 **IT IS SO ORDERED.**

20 Dated: 6/30/2021



EDWARD J. DAVILA  
United States District Judge

26 <sup>2</sup> On May 5, 2021, a copy of the Order Reassigning the Case was sent to the Petitioner. Dkt. No.  
27 6.